

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

David S. Miller

Art Unit: 3692

Application No: 10/782,977

Examiner: DIAZ, Susanna M Meinecke

Confirmation No: 2614

Filed: February 23, 2004

Atty. Docket No: 31921 - 192598

For: SYSTEM FOR TAX DATA COLLECTION

Customer No:

26694

PATENT TRADEMARK OFFICE

FIFTH INFORMATION DISCLOSURE STATEMENT (IDS)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Pursuant to 37 C.F.R. §§ 1.56, 1.97, and 1.98, the attention of the Patent and Trademark Office is hereby directed to the documents listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the documents be made of record therein and appear on any patent to issue therefrom.

As the Office is aware, this Application is a continuation of U.S. Appl. No. 09/776,707 (now U.S. Patent No. 6,697,787), which is a continuation of U.S. Appl. No. 09/073,027 (now U.S. Patent No. 6,202,052). The Office is also aware that the assignee of the instant application, Simplification, LLC, filed a patent infringement action in the United States District Court for the District of Delaware against Block Financial Corporation ("Block") on April 8, 2003, based on the patent at issue in reexamination control no. 90/006,713 (U.S. Patent No. 6,202,052) (hereinafter "the '052 patent"), which issued from Appl. No. 09/073,027. Civil Action No. 03-355-JJF. Block filed a request for reexamination on July 11, 2003, which reexamination was granted by the Office on October 2, 2003. The parties filed a stipulation staying the case pending reexamination on

November 21, 2003, the stay being granted on November 25, 2003. The current status of the reexamination proceeding is that prosecution on the merits is closed, the Office having issued a Notice of Intent to Issue a Reexamination Certificate on March 13, 2009. Simplification submitted Comments on the Examiner's Statement of Reasons for Patentability and/or Confirmation on April 7, 2009.

Simplification also filed a second patent infringement action against Block in the United States District Court for the District of Delaware on February 24, 2004, based on the patent at issue in reexamination control no. 90/006,969 (U.S. Patent No. 6,697,787) (hereinafter "the '787 patent"), which issued from Appl. No. 09/776,707. Civil Action No. 04-114-JJF. Block filed a request for reexamination of the '787 patent on March 15, 2004, which reexamination was granted by the Office on June 3, 2004. The case was stayed pending reexamination on May 10, 2004. The current status of the reexamination proceeding is that prosecution on the merits is closed, the Office having issued a Notice of Intent to Issue a Reexamination Certificate on March 13, 2009. Simplification submitted Comments on the Examiner's Statement of Reasons for Patentability and/or Confirmation on April 7 and April 13, 2009.

On October 31, 2007, after the Examiner was reversed by the BPAI on all counts in both reexaminations, a status hearing was held in the United States District Court for the District of Delaware. As a result of the status hearing, both of the foregoing litigation matters were resumed and consolidated. A copy of the transcript of the hearing is attached. The court issued a Scheduling Order on December 7, 2007. A copy of the Scheduling Order is also attached.

Simplification and Block filed Opening Briefs and Reply Briefs on Claim Construction on May 13 and May 29, 2008, respectively. Copies of Simplification's Opening and Reply Briefs are submitted herewith. Subsequently, on June 5, 2008, a Markman hearing was held in the United States District Court for the District of Delaware. A copy of the transcript of the hearing is also submitted herewith. The District Court issued an Order and Supporting Memorandum Opinion on Claim Construction on January 23, 2009. A copy of the Order and Supporting Memorandum are attached. On January 26, 2009, the trial was postponed pending Summary Judgment briefing. A

stipulation of dismissal was entered on February 25, 2009, in which the claims against Block were dismissed with prejudice. A copy of the stipulation was sent to the USPTO by the Court Clerk.

This Information Disclosure Statement is filed more than three months after the U.S. filing date, OR more than three months after the date of entry of the national stage of a PCT application, AND after the mailing date of the first Office Action on the merits, whichever occurs first, but before the mailing date of a Final Office Action or Notice of Allowance (37 C.F.R. § 1.97(c)).

In accordance with 37 C.F.R. § 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 C.F.R. § 1.56(a) exists. In accordance with 37 C.F.R. § 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

Please charge our Deposit Account No. 22-0261 in the amount of \$180.00 covering the fee set forth in 37 C.F.R. § 1.17(p). The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 22-0261, under Order No. 31921 - 192598.

Dated: April 30, 2009

Respectfully submitted,

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